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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,539	01/23/2002	Steven M. Drucker	MS188916.1	8839

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EXAMINER

LIEN, TAN

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/055,539	Applicant(s) DRUCKER ET AL.	
	Examiner Tan Lien	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/3/02</u> . | 6) <input type="checkbox"/> Other: _____ |

TLL *JL*

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 recite the limitation "the number of thumbnail images" in 1st lines of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, 16-24, and 26-27 are rejected under 35 U.S.C. 102^e(~~a~~) as being anticipated by Anderson (US Patent 6,215,523).

Claim 1, 12, 17, 20, 21, 22, 23, 24, 26, 27: Anderson teaches a media browsing system, comprising:

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a media display component adapted to display media and at least one thumbnail image related to the media (col. 2 lines 35-40); and,
a media delivery system coupled to the media display component, the media delivery system adapted to provide the media and the at least one thumbnail image related to the media to the media display component, the media delivery system further adapted to modify the media sent to the media display component based at least in part upon selection of one of the at least one thumbnail image related to the media (FIG. 3 and FIG. 8 and col. 2 lines 34-46; wherein when the image is sent to the display unit, it is being modified or resized).

Claim 2: Anderson teaches the media browsing system of claim 1, wherein the media being time-based (col. 7 lines 10-15).

Claim 3, 13: Anderson teaches the media browsing system of claim 1, wherein the number of thumbnail images being based, at least in part, upon at least one of a user's selection, a user's preference and analysis of the media by the media delivery system (col. 15 lines 35-40).

Claim 4, 14: Anderson teaches the media browsing system of claim 1, wherein the number of thumbnail images being based, at least in part, upon at least one of a display area available associated with the media display component, an

amount of the media already displayed and an amount of the media remaining to be displayed (col. 15 lines 45-65).

Claim 5, 6: Anderson teaches the media browsing system of claim 5, the media store comprising

at least one of a hard disc, a CD, a DVD and a videotape (col. 5 lines 28-35).

Claim 7, 8: Anderson teaches the media browsing system of claim 7, the thumbnail selection component further comprising

at least one of a remote control, a touch screen, a mouse and a joystick (FIG. 8, ref. 409, 410a, 410b).

Claim 9: Anderson teaches the media browsing system of claim 1, wherein

the media being based on at least one of a television broadcast, a cable television broadcast, a video stream and an audio stream (col. 6 lines 15-20 and col. 13 lines 55-60).

Claim 10, 18, 19: Anderson teaches the media browsing system of claim 1, wherein

the media display component and the media delivery system coupled by at least one of a parallel electrical connection, a *serial electrical connection*, a cable television connection, a satellite connection, a computer network connection, an Internet connection, a Digital Subscriber Line, a telephone line, a cable modem,

a wireless data communications link and an integrated services digital network (FIG. 3 and col. 4 lines 25-35).

Claim 11: Anderson teaches the media browsing system of claim 1, wherein the media display component further comprising at least one of a television screen, a computer monitor and a touch screen (FIG. 3; wherein the figure a computer system that has to include a computer monitor).

Claim 16: Anderson teaches the media delivery system of claim 12, the media analyzer further

storing at least one of historical information and demographic information regarding a user (col. 2 lines 44-46; wherein when the user is quickly reviewing images, the images the user passes through are historical images).

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Goldstein (US PGPub 2003/0026672).

Claim 25: Goldstein teaches a data packet adapted to be transmitted between two or more computer processes, the data packet comprising:

information associated with a media input (paragraph [0047]); and
information associated with at least one thumbnail image related to the media input (paragraph [0047]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Sjolander (US Patent 6,128,587).

Claim 15: Anderson teaches the delivery system of claim 12, but did not teach explicitly the media analyzer utilizing a Bayesian decision making methodology.

Sjolander, however, teaches using a Bayesian and information theoretic analysis to yield minimum encoding costs (col. 4 lines 10-20; The Bayesian decision making methodology is well known in the art). It would be obvious to one of ordinary skill in the art at the time of the invention to combine Anderson's delivery system and Sjolander's Bayesian methodology, for the advantage of cost effectiveness (col. 4 lines 10-20 Sjolander).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tan Lien


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Examiner

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RUPAL DHARIA
SUPERVISORY PATENT EXAMINER